



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,804	01/11/2002	Paul H. DeKeyser	101488.0001US1	9078
24392 7590 10/02/2008 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
10/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/043,804

**Applicant(s)**

DEKEYSER ET AL.

**Examiner**

DANIEL TEKLE

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4, 7-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 7-13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 16, 2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 4, 7-13 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claim 13 and 14 objected to because of the following informalities: Applicant move claim 13 to claim 14 and the new claim replace to claim 13. It is inappropriate number of the claims; therefore applicant appropriate correction is required. For the prosecution purpose the new claim move to claim 17 and claim 14 is back to the previously claim order of claim 13.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4, 7-12 and 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (US 5,488,409) further in view of Ayaki et al. (US 6,934,464).

**Regarding Claim 4:** Yuen et al. discloses a method of claim 7, further comprising: deal locating at least some of the addresses from the index (**column 13 lines 20-33**).

**Regarding Claim 7:** Yuen et al. discloses a method of recording a data, comprising: providing a memory; using an index to store different addresses of the memory for each of a plurality of sequential frames of the data recorded in digital format (**columns 12 line 52 to column 13 line 6 and column 13 line 44-52**); retrieving at a least a portion of the data by accessing the memory addresses from the index (**columns 12 line 52 to column 13 line 6**); looping the memory automatically by overwriting a portion of at list one of (a) the data and (b) the memory addresses (**column 15 lines 17-26 of Ayaki et al.**); and providing a loop remnant directory to determine a changing deallocation point (**column 59 lines 51-67 of Yuen et al.**).

See the teaching of Yuen et al. and Ayaki et al. above. Yuen did not show an automatic recording however Ayaki et al. describes a loop recording mode (**column 15 lines 17-26**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine a loop recording mode of Ayaki et al. into Yuen et al. in order to open a new space for recording a new AV data.

**Regarding Claim 8:** Yuen et al. discloses a method of recording of claim 7, wherein the index identifies individual ones of the plurality of frames using at least one of frame number, time, and date (**column 14 lines 1-17**).

**Regarding Claim 9:** Yuen et al. discloses a method of recording of claim 7, wherein the different addresses are start addresses (**column 13 lines 1-6**).

**Regarding Claim 10:** Yuen et al. discloses a method of recording of claim 7, further comprising storing individual ones of the plurality of sequential frames in a digital format (**column 13 lines 44-53**).

**Regarding Claim 11:** Yuen et al. discloses a method of recording of claim 7, wherein the index comprises a table (**column 17 table II**).

**Regarding Claim 12:** Yuen et al. discloses a method of recording of claim 7, further comprising using the index to identify addresses that can be overwritten (**column 59 lines 51-67**).

**Regarding Claim 13:** Yuen et al. discloses a method of recording of claim 7, wherein overwriting a portion of the data comprises replacing an earlier one of the plurality of sequential frames with a later one of the plurality of sequential frames, and recording corresponding information in the index (**column 59 lines 51-67**).

**Regarding Claims 15-16:** Claims 15-16 are rejected for the same subject matter as claim 7.

**Regarding Claim 17:** See the teaching of Yuen et al. and Ayaki et al. above. Further Ayaki et al. discloses a method of recording of claim 7, wherein looping the memory automatically comprises overwriting a portion of at least one of (a) the data and (b) the

memory addresses immediately after the available disk space is exhausted (**column 15 lines 17-26**)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621  
/Daniel Tekle/  
Examiner, Art Unit 2621

Application/Control Number: 10/043,804  
Art Unit: 2621

Page 6